

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
W/S First Avenue, 485' S of \* DEPUTY ZONING COMMISSIONER  
Francis Avenue \* OF BALTIMORE COUNTY  
(5720 First Avenue) \* Case No. 93-278-SPH  
13th Election District  
1st Councilmanic District  
Edward G. Amsel, et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the owners of the subject property, Edward G. and Leona F. Amsel. The Petitioners request approval of the nonconforming use of the subject property as a two-apartment dwelling in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Edward and Maria Amsel, property owners. Appearing as Protestants in the matter were Michael P. and Maria R. McAuliffe, adjoining property owners.

Testimony indicated that the subject property, known as 5720 First Avenue, consists of 7,935 sq.ft., zoned D.R. 5.5, and is improved with a two-story dwelling containing two apartments. The Petitioners filed the instant Petition as a result of a complaint filed by the adjoining property owners as to the use of the property as two apartments. Mr. Amsel testified that he purchased the subject property in 1989. He testified that at the time he was looking at the property, he was told by the real estate agent that the property could be legally used as a two-apartment dwelling. To affirm this use, the Petitioners requested, and obtained, a conditional use permit for the use of the subject property as two apartments from J. Robert Haines, then Zoning Commissioner, in 1988. The Petitioners introduced as Petitioner's Exhibit 3, a copy of the Condi-

tional Use Permit signed by Commissioner Haines on August 31, 1988. Said use permit indicates that Commissioner Haines' approval was based entirely on an affidavit which had been submitted to him at that time indicating that the property enjoyed a legal nonconforming use as a two-apartment dwelling. However, Commissioner Haines made his approval subject to a future public hearing in the event his decision was challenged. The McAuliffe's have challenged his decision and the case is now before me.

In support of their request, the Petitioners must establish that this nonconforming use has existed since prior to 1955. The Petitioners introduced as Petitioner's Exhibit 2 the affidavit of Elmo Owens, a long-time resident of the community. Mr. Owen's affidavit states that the subject property has been used continuously and without interruption as a two-apartment dwelling since 1948. The Petitioners testified that they would not have purchased the subject property had they not been able to use it as two apartments.

Michael and Maria McAuliffe appeared and testified in opposition to the Petitioners' request. The McAuliffes testified that they purchased their property in July 1986 and moved into the property in December of that year. They testified that at the time of their purchase, they were aware that the subject property was used as two apartments, but thought that it was used in that fashion because the owner of the property resided in the first floor apartment. Testimony revealed that a Mrs. Wolf, a long-time owner of the property, lived in the first floor apartment, and rented the second floor apartment to a young woman in her mid-30s. The Petitioners testified that they purchased their property from Mrs. Wolf and originally set up the first floor apartment for their daughter.

Mr. & Mrs. McAuliffe testified that they filed their complaint as

a result of some of the tenants who would trespass onto their property with their automobiles when pulling in and out of the driveway. Mr. McAuliffe believed that since the owner of the property did not reside thereon, that its use as two apartments became illegal. He was under the impression that in order for the property to be utilized as two apartments, the owner of the property must reside in one of the apartments.

Further testimony revealed that the two apartments have separate entrances. They also have separate water heaters, gas and water meters, and both have their own gas heat. Testimony revealed that the house was built in approximately the 1920s and that the conversion of the dwelling occurred sometime in the 1930s or 1940s.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1955.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual

change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., Supra.

Testimony offered by the Petitioners demonstrated that the history of this property establishes that the subject property was converted into two apartments and has been utilized as such since prior to 1955. Therefore, the property enjoys a legal nonconforming use as two apartments. Further, there has been no abandonment or discontinuance of its use as two apartments. Testimony of the Protestants did not contradict the history of the use of this property. The Protestants' testimony concerned the behavior of the tenants occupying the two apartments rather than the property's use as two apartments. This testimony, however, is not germane to the legal status of a nonconforming use.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as a two-apartment dwelling since prior to 1955, and as such, enjoys a legal nonconforming use.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the


relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13<sup>th</sup> day of April, 1993 that the Petition for Special Hearing requesting approval of the nonconforming use of the subject property as a two-apartment dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioners shall be prohibited from allowing their tenants to park their motor vehicles in the driveway in such a manner that the vehicles block the sidewalk along the front of the property. No vehicles shall be allowed to impede or impair a pedestrian's use of the subject sidewalk.
- 3) The shed located in the rear yard of the subject property appears to have become somewhat run-down and dilapidated. The Petitioners themselves indicated that they intend to raze this shed. Accordingly, the Petitioners shall be required to remove the shed within one (1) year of the date of this Order. The Petitioners shall be permitted to replace this shed with a new structure, provided they obtain the requisite permit, if necessary.
- 4) The subject dwelling and surrounding property shall be regularly maintained in a neat and orderly fashion so that it does not become an eyesore. The lawn shall be regularly mowed and the appearance of the property shall be kept up.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
  
Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204  
April 13, 1993  
(410) 887-4386

Mr. & Mrs. Edward G. Amsel  
3308 Ridge Road  
Westminster, Maryland 21157

RE: PETITION FOR SPECIAL HEARING  
W/S First Avenue, 485' S of Francis Avenue  
(5720 First Avenue)  
13th Election District - 1st Councilmanic District  
Edward G. Amsel, et ux - Petitioners  
Case No. 93-278-SPH

Dear Mr. & Mrs. Amsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,  
*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs  
cc: Mr. & Mrs. Michael P. McAuliffe  
5718 First Avenue, Baltimore, Md. 21227

People's Counsel

File

290  
Petition for Special Hearing  
to the Zoning Commissioner of Baltimore County  
for the property located at 5720 First Ave (Bolto 2122)  
which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve. The non-conforming use of this two-story dwelling as a two apartment dwelling.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner:  
*Edward G. Amsel*  
*Leona F. Amsel*  
Address: *3308 Ridge Rd 21157*  
City: *Westminster* State: *MD* Zipcode: *21157*  
Address: *5720 First Ave* Phone No: *876 2765*  
City: *Baltimore* State: *MD* Zipcode: *21204*  
Official Use Only: *13 Ave*  
The following date: *4/13/93* Next Two Months  
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED  
DATE *2-18-93*

ORDER RECEIVED FOR FILING  
Date *4/13/93*  
By *[Signature]*

Zoning Description  
5720 First Avenue

Beginning at a point on the west side of First Avenue, 485 feet south of Francis Avenue. Being lot number 69 in the subdivision of West Halthorpe as recorded in Plat Book 5, Folio 42 containing 0.182 acres and located in the 13th Election District.

:jaw

ORDER RECEIVED FOR FILING  
Date *4/13/93*  
By *[Signature]*

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

93-278-SPH

District: Special Hearing Date of Posting: 3/11/93

Posted for: Special Hearing

Petitioner: Edward G. Amsel

Location of property: 5720 First Ave, 485' S of Francis Ave

Location of Sign: From 100 S way, on property of Petitioner

Remarks:

Posted by: M. H. Jablon Date of return: 3/14/93

Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. 314, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/14, 1993.

**THE JEFFERSONIAN,**  
S. Zerbe-Dolan  
Publishers

\$63.22

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

MAR 01 1993 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-278-SPH (Item 290)  
4/5 First Avenue, 485' S of Francis Avenue  
5720 First Avenue  
13th Election District - 1st Councilmanic  
Petitioner(s): Edward G. Amsel and Leona F. Amsel  
HEARING: WEDNESDAY, APRIL 7, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.  
Special Hearing to approve the non-conforming use as a two apartment dwelling

Arnold Jablon  
Director

cc: Edward & Leona Amsel

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

**receipt**

93-278-SPH

Date: 2-19-93

MR Edward G Amsel  
for Special Hearing  
5720 First Ave (21227) Filing fee \$ 50.00

290

Baltimore County Zoning Administration & Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Please Make Checks Payable To: Baltimore County

**receipt**

93-278-SPH

Date: 2/22/93

PAID PER HAND-WRITTEN RECEIPT

DESCRIPTION	QTY	PRICE
030 -SPECIAL HEARINGS (IRL)	1 X	\$50.00
TOTAL:		\$50.00

LAST NAME OF OWNER: AMSEL

Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

March 24, 1993 (410) 887-3353

Mr. and Mrs. Edward G. Amsel  
3308 Ridge Road  
Westminster, MD 21157

RE: Case No. 93-278-SPH, Item No. 290  
Petitioner: Edward G. Amsel, et ux  
Petition for Special Hearing

Dear Mr. and Mrs. Amsel:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on February 19, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

**receipt**

93-278-SPH 290

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 8-31-94 ACCOUNT: 001-000-6150

AMOUNT: \$ 20.00

RECEIVED FROM: MARY ELLEN MCDONNELL

FOR: COMMERCIAL USE PERMIT

VALIDATION OR SIGNATURE OF CARRIER

Please Make Checks Payable To: Baltimore County

Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

2-26-93

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 93-278-SPH (290)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
Bob Small  
for John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is 410-333-1350  
Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5882 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

DATE: 3-13-93

Edward G. Amsel and Leona F. Amsel  
3308 Ridge Road  
Westminster, Maryland 21157

RE: CASE NUMBER: 93-278-SPH (Item 290)  
4/5 First Avenue, 485' S of Francis Avenue  
5720 First Avenue  
13th Election District - 1st Councilmanic  
Petitioner(s): Edward G. Amsel and Leona F. Amsel  
HEARING: WEDNESDAY, APRIL 7, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 63.22 is due for advertising and posting of the above captioned property and hearing date.

THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Forward your check for the above fee via return mail to the Zoning Office, (ZADM), County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Please write the case number and hearing date on the check and make same payable to Baltimore County, Maryland. To avoid delay of the a ruling in your case, immediate attention to this matter is suggested.

Arnold Jablon  
DIRECTOR

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: March 3, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item No. 286, 290 and 291.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3460.

Prepared by: Jeffrey M. Long  
Division Chief: Edryl L. Lewis

PK/JL:lw

286.ZAC/ZAC1

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: EDWARD G. ANSEL AND LEONA F. ANSEL  
Location: #5720 FIRST AVENUE  
Item No.: 290 (JJS) Zoning Agenda: MARCH 1, 1993

Gentlemen:  
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Capt. Aaron Stoker  
Planning Dept.  
Special Inspection Division

JF/FEK

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Lawrence E. Schmidt DATE: April 6, 1993  
Zoning Commissioner

FROM: James H. Thompson  
Zoning Enforcement Coordinator

RE: Case No. 93-278-SPH  
5720 First Avenue  
Ansel - Petitioner

The referenced case is scheduled for a public hearing on April 7, 1993.

Presently, the enforcement division has an active violation case, 93-223, with no district court trial date established.

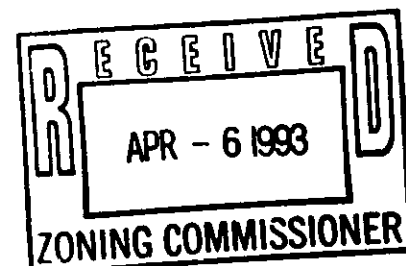
For your benefit, a copy of the citation is enclosed along with a copy of a conditional use permit signed by the then Zoning Commissioner, J. Robert Haines, on August 31, 1988.

Finally, the original complaint in this matter is Michael McAlliffe of 5718 First Avenue, who will be in attendance.

JHT:ljs

Enclosure

cc: Inspector Kevin R. Connor



NAME OF PERSON(S) CHARGED: EDWARD G. & LEONA F. ANSEL - PETITIONER BY AFFIDAVIT

CURRENT ADDRESS IN FULL: 3305 RIDGE ROAD WASHINGTON, MARYLAND 21157

OWNER (S) OR OCCUPANT (S) RELATED CITATIONS:

IT IS FORMALLY CHARGED BY BALTIMORE COUNTY THAT THE ABOVE NAMED PERSON(S) DID VIOLATE THE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS AND/OR THE BALTIMORE COUNTY CODE AS FOLLOWS:

SECTION NUMBER(S) VIOLATED: 101 "REZONING"; 102.11.100.1A; 402

NATURE OF VIOLATION: USE OF PROPERTY ZONED D.R.S.5 TO CONTRARY THE FOLLOWING:

1. CONVERSION OF A DWELLING INTO TWO APARTMENTS, WHEREIN PROVISION LACKS REQUIRED LOT SIZE DIMENSIONS

LOCATION AND DATE(S) OF VIOLATION: 5720 FIRST AVENUE, ANSEL, MARYLAND 21227  
AUGUST 11, 1992 AND CONTINUING TO PRESENT

TO RESPOND TO THE ABOVE CHARGE(S) LISTED BELOW YOU, YOU MUST CHOOSE ONE OF THE OPTIONS BELOW:

1) YOU MAY PAY A FINE OF \$200.00 (\$200.00 FOR EACH ADDITIONAL DAY) BY CHECK OR MONEY ORDER PAYABLE TO THE DIRECTOR OF FINANCE, BALTIMORE COUNTY, MARYLAND, BY RETURNING A COPY OF THIS FORM ALONG WITH PAYMENT TO: DIRECTOR OF FINANCE, 1ST FLOOR, COURT HOUSE, TOWSON, MD 21204. THE PENALTY MUST BE PAID ON OR BEFORE THE 10TH DAY OF MARCH, 1993.

2) YOU MAY ELECT TO STAND TRIAL IN THE DISTRICT COURT OF MARYLAND. TO DO THIS, YOU MUST NOTIFY THE BALTIMORE COUNTY OFFICE OF ZONING ADMINISTRATION BY FILING IN THE ATTACHED PORTION OF THIS CITATION AND RETURNING IT TO THE ZONING ADMINISTRATION OFFICE AT LEAST FIVE (5) DAYS BEFORE THE PAYMENT DUE DATE AS SET FORTH IN THE FINE PAYMENT SECTION ABOVE. THE DISTRICT COURT WILL NOTIFY YOU OF THE DATE AND TIME OF TRIAL.

IF THE FINE REMAINS UNPAID AT THE EXPIRATION OF THE THIRTY-FIVE (35) DAYS FROM THE DATE OF THE CITATION, THE ZONING ADMINISTRATOR MAY REQUEST ADJUDICATION OF THE CASE IN DISTRICT COURT, AT WHICH TIME THE PERSON IS LIABLE FOR AN ADDITIONAL FINE NOT TO EXCEED TWICE THE ORIGINAL FINE. IF YOU FAIL TO APPEAR AT THE TRIAL, A BENCH WARRANT WILL BE ISSUED FOR YOUR ARREST.

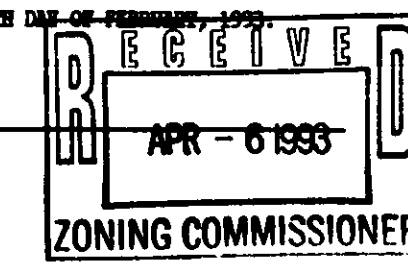
I DO SOLEMNLY AFFIRM THAT THE CONTENTS STATED ABOVE ARE CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

DATE: 3/28/1993

Signature: Kevin R. Connor  
OFFICE OF ZONING ADMINISTRATION REPRESENTATIVE

BASED ON THE STATEMENT OF KEVIN R. CONNOR, THIS CITATION IS HEREBY ISSUED THIS 10TH DAY OF MARCH, 1993.

Signature: [Signature]  
DIRECTOR OF ZONING ADMINISTRATION



I ACKNOWLEDGE RECEIPT OF A COPY OF THIS CITATION AND HEREBY PROMISE TO PAY THE FINE OR INQUIRE A TRIAL DATE AS REQUIRED BY LAW. I UNDERSTAND THAT THE ACCEPTANCE OF THIS CITATION IS NOT AN ADMITTANCE OF GUILTY.

DATE: 2/28/93

Signature: [Signature]  
SIGNATURE

PHOTOGRAPH ADDENDUM: SUBJECT PROPERTY

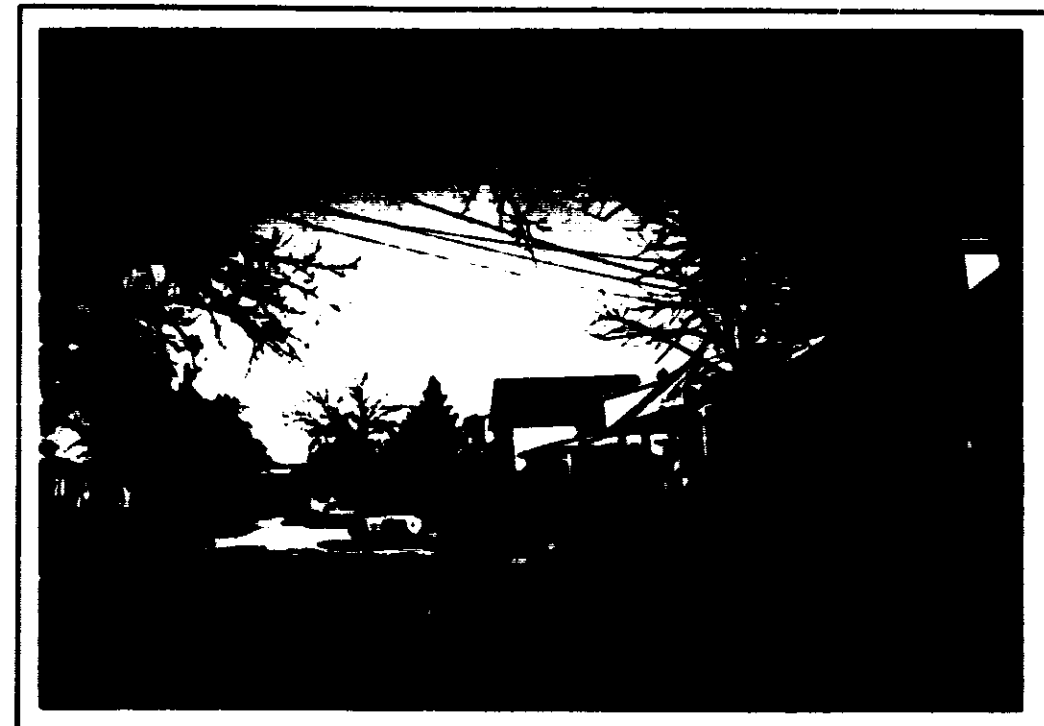
Borrower/Client: Edward G. & Leona F. Ansel Property Address: 5720 First Avenue  
Lender: Carroll County Bank & Trust Co. Halethorpe/Arbutus Baltimore MD 21227  
CITY COUNTY STATE ZIP



FRONT VIEW OF SUBJECT PROPERTY



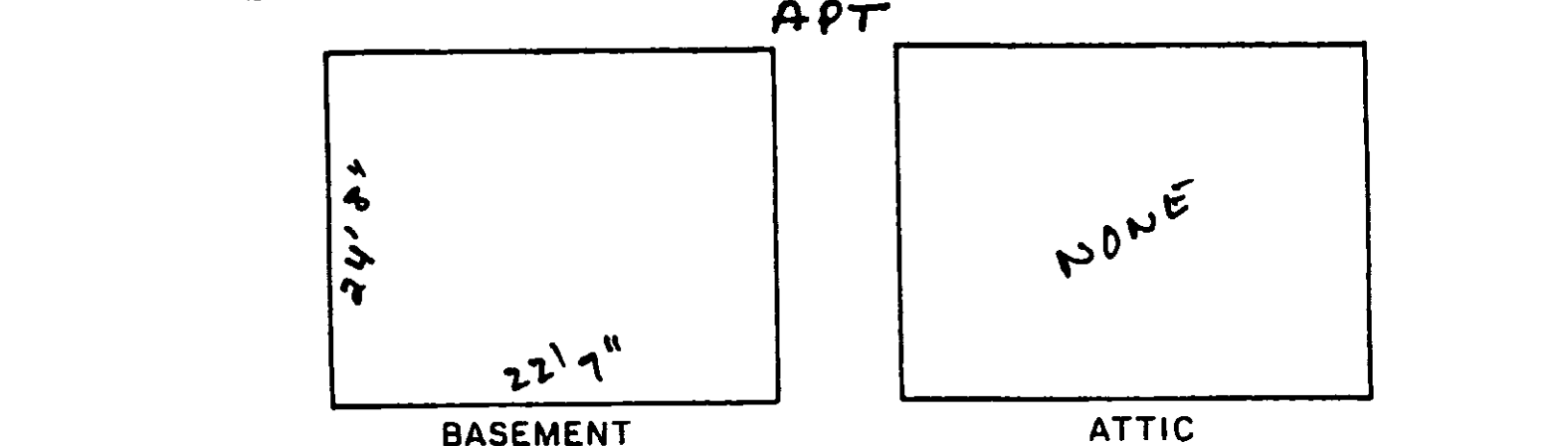
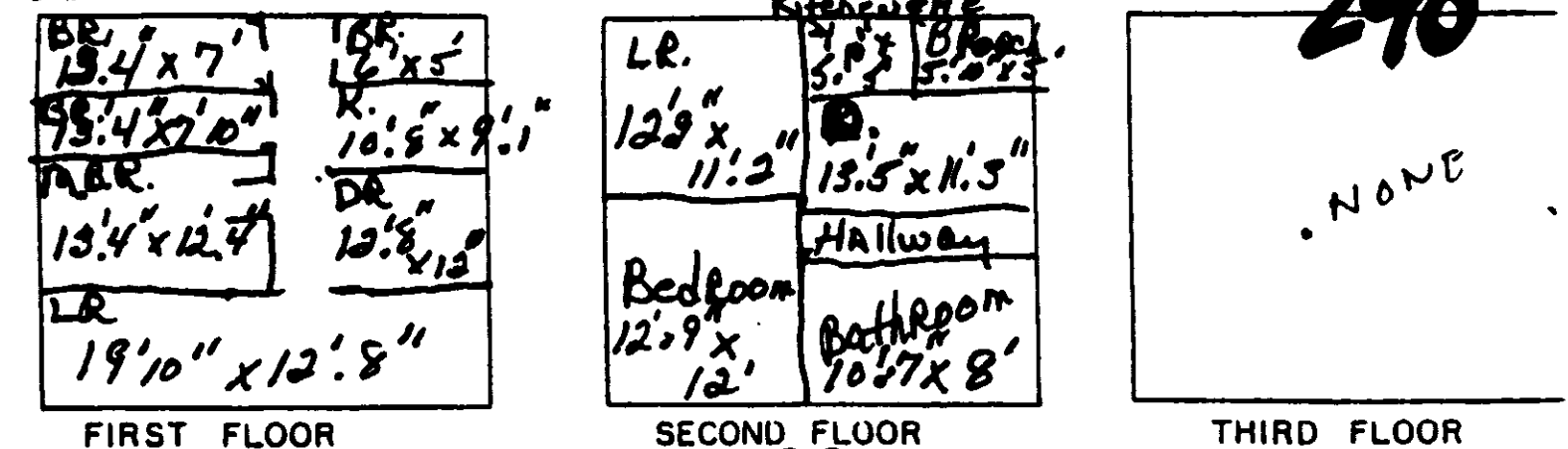
REAR VIEW OF SUBJECT PROPERTY



STREET SCENE

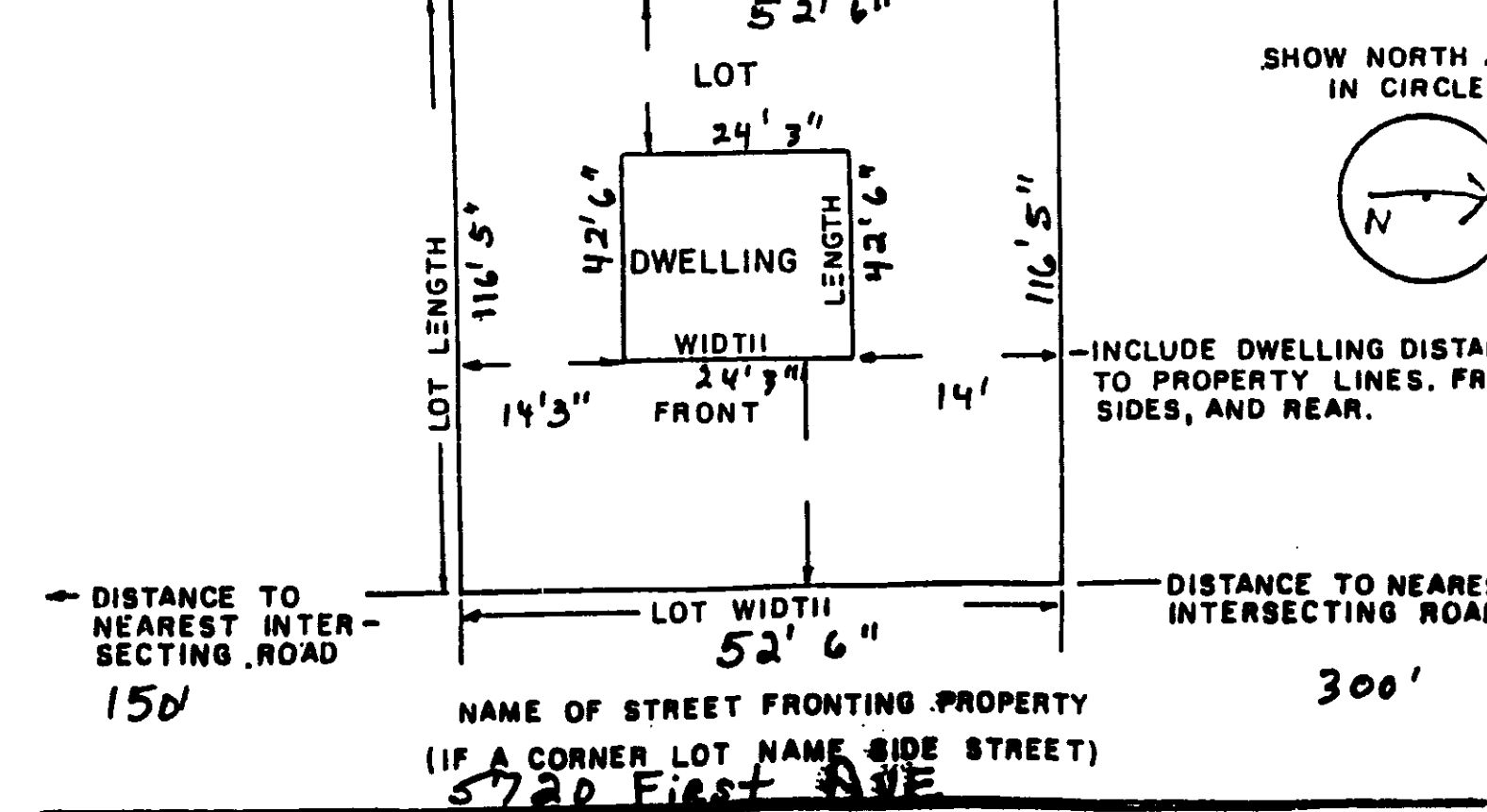
ADDITIONAL PHOTOGRAPHS ON REVERSE SIDE  
AMERICAN REALTY FORBES, INC. • ALEXANDRIA, VIRGINIA • 1-800-642-8484 • 703-684-3500

THIS SHEET TO BE SUBMITTED WITH 2 APARTMENT AFFIDAVIT AND A CHECK FOR \$20.00 MADE PAYABLE TO: BALTIMORE COUNTY, MARYLAND



DIRECTIONS: DRAW IN EACH ROOM AND MARK ITS USE/LENGTH AND WIDTH. MARK WHICH FLOOR HAS APARTMENT. IF DWELLING IS SEMI DETACHED USE 1 SHEET FOR EACH APARTMENT.

LEGEND: K=KITCHEN, B=BEDROOM, BH=BATH, S=STORAGE, C=CLOSET, LR=LIVING ROOM, DR=DINING ROOM, AND D=DEN.



290  
93-278-SPH

CONDITIONAL USE PERMIT  
FOR  
TWO OR MORE APARTMENTS

This Use Permit for 2 apartment(s) at 5720 1st Ave (address) is issued entirely upon the basis of the herein affidavit, including the dates of original use and continuous use sworn to therein. The responsibility for the accuracy of said dates and uses is entirely that of the legal owner and/or agent thereof. In the event that the accuracy is challenged our approval is automatically withdrawn; the use permit will be reinstated only after public hearing and submission of testimony that alleviates the allegations contained in the challenge and otherwise provides the proofs necessary to establish a legal non-conforming use for the number of apartments claimed. Knowingly falsifying the affidavit information on the reverse side of this permit is subject to the penalties of perjury.

Signature: J. Robert Haines  
APPROVED BY: ZONING COMMISSIONER, BALTIMORE COUNTY

DATE: 3/31/93

REV: 5/18/87 MS051

PLEASE PRINT CLEARLY  
PROTESTANT(S) SIGN-IN SHEET  
NAME ADDRESS  
Michael P. McAlliffe 5718 First Ave 21227  
MARA R. McALLIFFE 5718 FIRST AVE 21227

PLEASE PRINT CLEARLY  
PETITIONER(S) SIGN-IN SHEET  
NAME ADDRESS  
Edward Ansel 3305 Ridge Rd  
Washington, Maryland 21157

Empty lines for additional signatures and addresses.

Pet Ex #1

**Plat to accompany Petition for Zoning Variance  Special Hearing**

PROPERTY ADDRESS: 5720 First Ave.

Subdivision name: West Hill Heights

Plat Book: S-112 Lots: 12, 13

OWNER: Edw. G. & Lillian F. Amick

93-278-SP4

**LOCATION INFORMATION**

Election District: 13th

Councilmanic District: 15th

1"-200' scale map: SW 6-D

Zoning: DR-5.5

Lot size: 0.112 7935  
acres square feet

BWERS:

WATER:

Chesapeake Bay Critical Area:

Prior Zoning Hearings: NONE

**Zoning Office USE ONLY**

Reviewed by: [Signature] ITEM #: 290 CASE#: [ ]

Scale of Drawing: 1" = 30'

North  
date: 2-14-92  
prepared by: [Signature]

Pet Ex #2

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Elmo H. Owens  
AFFIANT (Handwritten Signature)  
ELMO H. OWENS  
AFFIANT (Printed Name)

Based upon your personal knowledge, please answer the following questions by indicating yes or no in the space provided:

- Can you verify by this affidavit, and/or testify in Court if necessary, that the home located at 5720 First Ave. Helthorse Md 21227 has been occupied as a two (two, three, etc.) apartment dwelling since 1948 (month) (year) (answer)?
- Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since 1948 (month) (year) (answer)?
- Will you realize any gain from the sale of this Property? No (answer)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23<sup>rd</sup> day of August, 1988 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared ELMO H. OWENS, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

[Signature]  
NOTARY PUBLIC  
My Commission Expires: 1-1-90

Pet Ex #3

CONDITIONAL USE PERMIT  
FOR  
TWO OR MORE APARTMENTS

This Use Permit for 2 apartment(s) at 5720 1st Ave (Address) is issued entirely upon the basis of the herein affidavit, including the dates of original use and continuous use sworn to therein. The responsibility for the accuracy of said dates and uses is entirely that of the legal owner and/or agent thereof. In the event that the accuracy is challenged our approval is automatically withdrawn; the use permit will be reinstated only after public hearing and submission of testimony that alleviates the allegations contained in the challenge and otherwise provides the proofs necessary to establish a legal non-conforming use for the number of apartments claimed. Knowingly falsifying the affidavit information on the reverse side of this permit is subject to the penalties of perjury.

DATE: 8-31-88 APPROVED BY: [Signature] ZONING COMMISSIONER, BALTIMORE COUNTY

REV: 5/18/87 MS051

Pet Ex #1

RE: 5720 FIRST AVENUE  
BALTIMORE, MD 21227

April 5, 1993

We, the undersigned, do not approve of the non-conforming use as a two apartment dwelling at 5720 FIRST AVENUE. We could not be present due to prior engagements. Presently, we are home owners close to 5720 FIRST AVENUE, and we occupy our homes on FIRST AVENUE. We are requesting that the dwelling be used as zoned according to Baltimore County as soon as either tenant does not renew their lease.

Signature: \_\_\_\_\_ Address: \_\_\_\_\_

Uron A. Hays 5713 First Ave  
Phyllis K. Spudis, Jr. 5714 First Ave  
George T. McEntee 5715 First Ave  
Mary T. Newcomb 5714 First Ave  
Matthew Shanon Newcomb 5714 First Ave

Pet Ex #2

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21201 (410) 887-3353

February 21, 1992

Mr. Michael McAuliffe  
5718 First Avenue  
Baltimore, Maryland 21227

Re: Case No. C-92-1441  
5720 First Avenue  
13th Election District

Dear Mr. McAuliffe:

I have received a copy of the lease for the above-mentioned property, which shows a married couple and another person living there. This situation does not violate the Baltimore County zoning regulations. Therefore, this case will be closed.

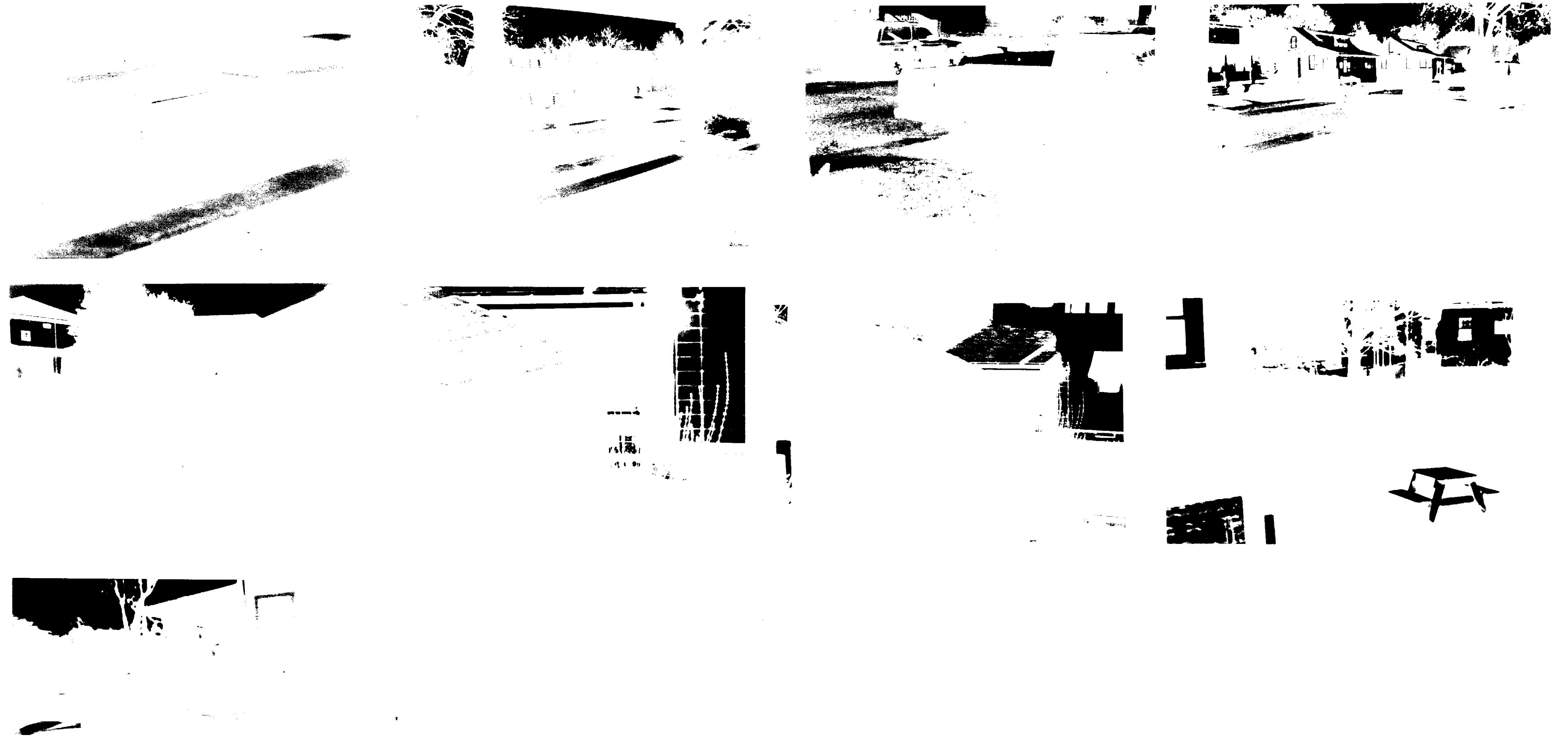
If you have any questions, please call me at 887-3351.

Sincerely,  
[Signature]  
KEVIN R. CONNOR  
Zoning Inspector

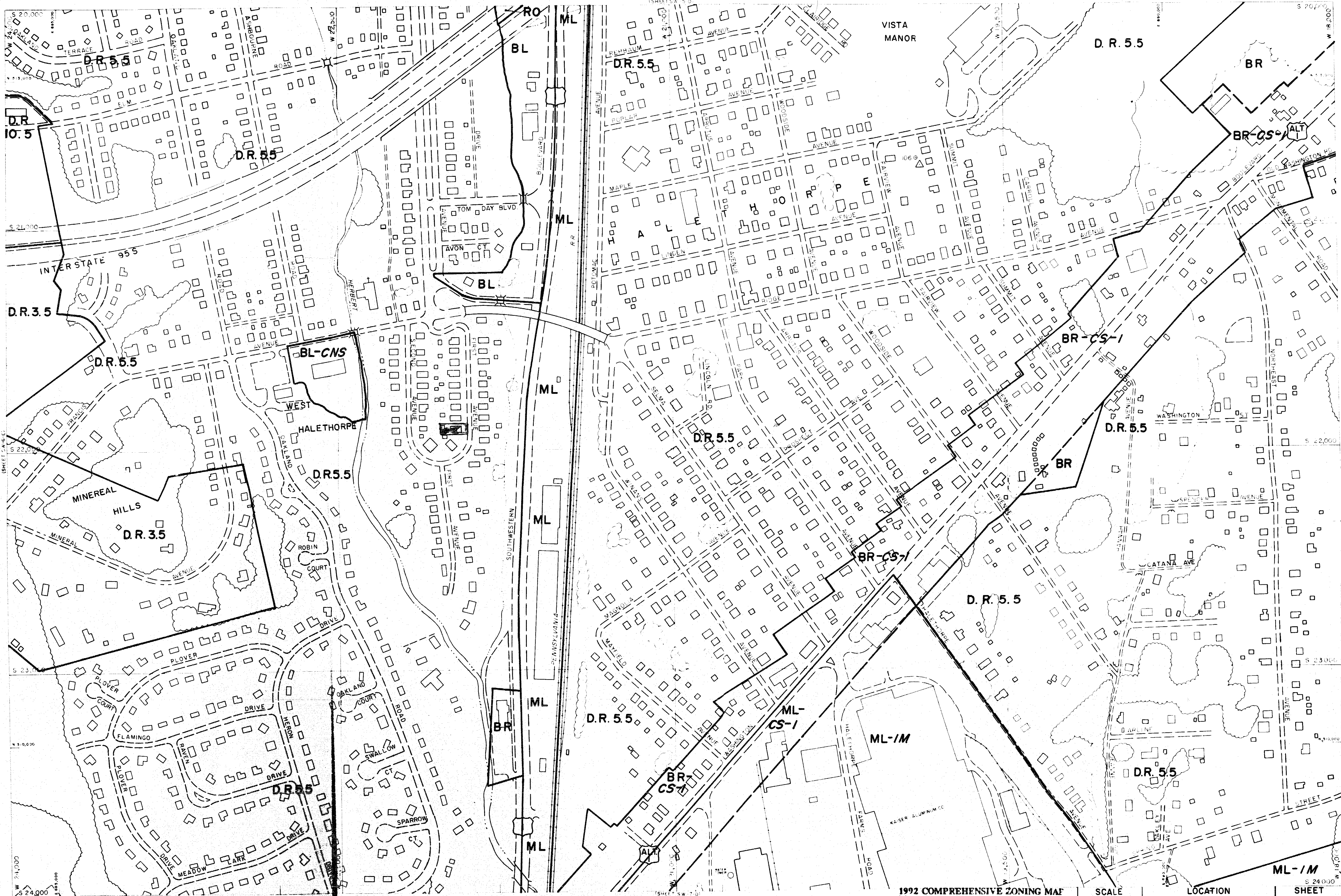
KRC/cmm

*Protestants' Photographs*

*Case 93-278-SP4*







G - SW  
C - NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992

BM No. 123-92, 144-92, 185-92, 125-92, 137-92, 18E-92, 1...

*William J. Howard*  
Chairman, County Council

SCALE  
1" = 200' ±  
DATE OF PHOTOGRAPHY  
JANUARY 1986

LOCATION  
HALETHORPE

SHEET  
S.W.  
6-D

290

93-278-SPH